



Incorporated in 1967

❖ We have built about 1000 single-family homes and condominiums in Massachusetts on a speculative basis.

❖ We currently average about 100 new homes and condominiums a year. This year we are building in Wakefield, Beverly, Medford, Manchester, Georgetown, Amesbury, Littleton and Bolton.

❖ In 2001, we submitted our first 40B application in our 34 year history.



The Decline of Residential Construction in Massachusetts Housing Boom or Decline?

| Year | Massachusetts | United States | Massachusetts as a Percentage of United States |
|-------|---------------|---------------|---|
| 2002* | 16,875 | 1,728,556 | 0.98% |
| 2001 | 17,034 | 1,636,676 | 1.04% |
| 2000 | 18,000 | 1,592,257 | 1.13% |
| 1999 | 18,967 | 1,663,533 | 1.14% |
| 1998 | 19,254 | 1,612,250 | 1.19% |
| 1997 | 17,186 | 1,441,136 | 1.19% |
| 1996 | 17,261 | 1,425,616 | 1.21% |
| 1995 | 16,428 | 1,332,549 | 1.23% |
| 1994 | 18,115 | 1,371,637 | 1.32% |
| 1993 | 17,460 | 1,199,063 | 1.45% |
| 1992 | 16,411 | 1,094,933 | 1.50% |
| 1991 | 12,672 | 948,794 | 1.34% |
| 1990 | 14,290 | 1,110,766 | 1.29% |
| 1989 | 21,283 | 1,338,423 | 1.59% |
| 1988 | 30,482 | 1,455,623 | 2.09% |
| 1987 | 40,419 | 1,534,772 | 2.63% |
| 1986 | 45,215 | 1,769,443 | 2.56% |
| 1985 | 39,196 | 1,733,266 | 2.26% |
| 1984 | 29,298 | 1,681,822 | 1.74% |
| 1983 | 22,836 | 1,605,221 | 1.42% |
| 1982 | 15,435 | 1,000,485 | 1.54% |

*December 2002 not updated yet.

Residential Building Permits Issued
as Reported by U.S. Census



Section 165-14.

New dwelling unit limitation town-wide.

A. Building permits shall not be issued authorizing construction of (or conversion to) more than thirteen (13) Residential dwelling units town-wide in single-family and two-family structures including Residential Condominiums and/or Cooperatives in any twelve-month period. The numbers of Residential Dwelling Units to be allowed in any month shall be determined by subtracting from thirteen (13) units the total authorized (minus permits withdrawn or expired without use) in the preceding eleven (11) months. The eleven (11) prior to enactment of this provision shall be used to establish unit availability during the first year after enactment. [Amended 6/14/99; approved 9/20/99] (Amended STM 10/24/2000; Approved by AG 1/25/2001)

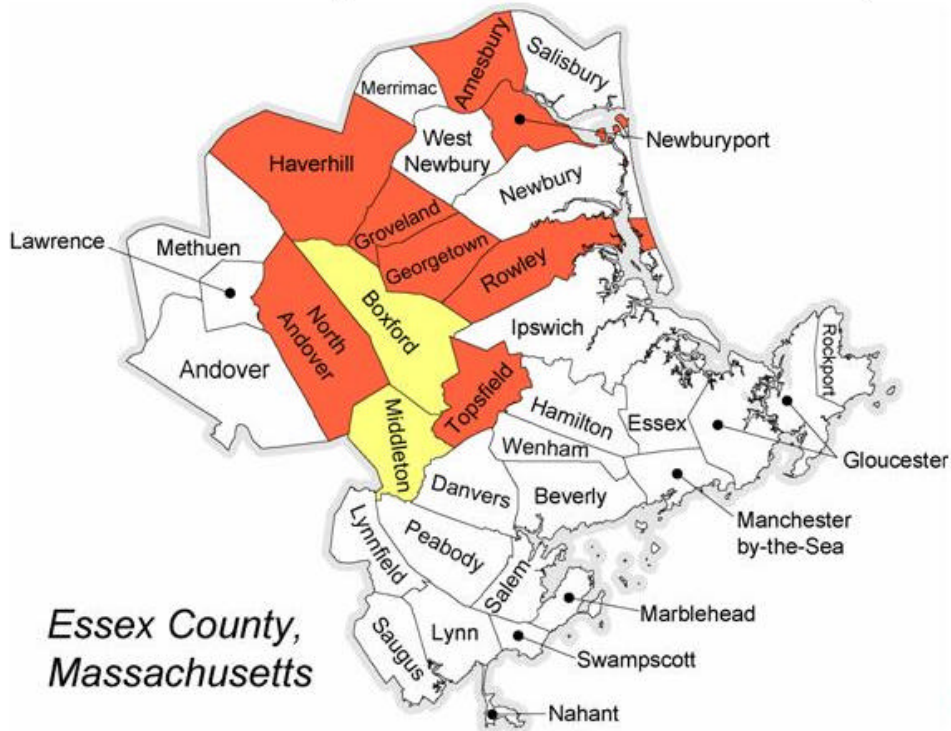


| Community | Building Permits, Annual limits | Population ^[1] | Estimated number of 18 year olds ^[2] | Possible new households created within the community |
|---------------|---------------------------------|---------------------------|---|--|
| Amesbury | 48 | 16,450 | 198 | 99 |
| Georgetown | 20 | 7,377 | 80 | 40 |
| Groveland | 36 | 6,038 | 86 | 43 |
| Haverhill | 100 | 58,969 | 706 | 353 |
| Newburyport | 48 | 17,189 | 161 | 80 |
| North Andover | 80 | 27,202 | 413 | 206 |
| Rowley | 24 | 5,600 | 67 | 33 |
| Topsfield | 15 | 6,141 | 74 | 37 |
| | | | | |
| Totals | 371 | 144,966 | 1,785 | 891 |

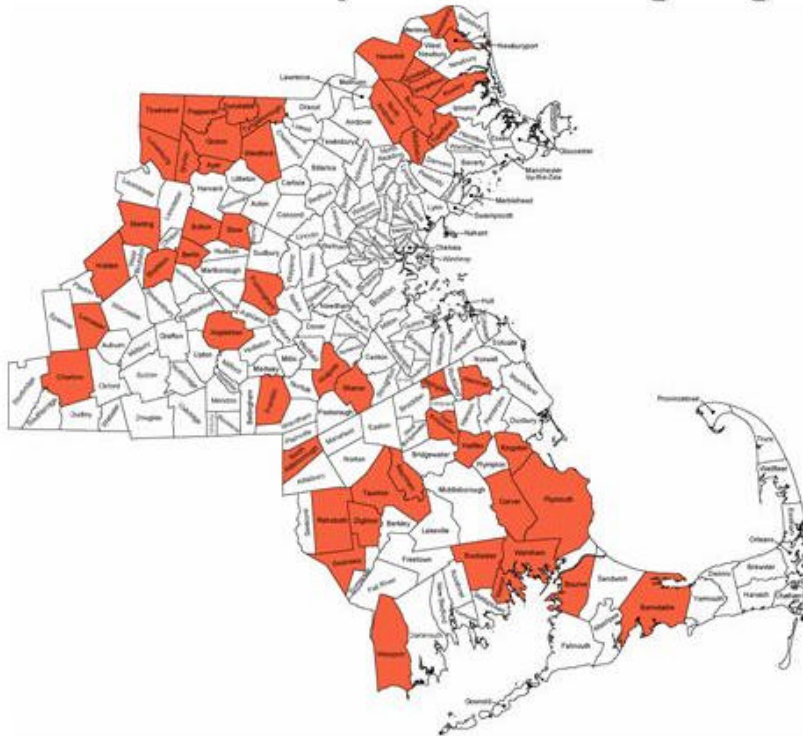
^[1] From DHCD Demographics year 2000 ^[2] From DHCD Demographics year 2000, 15 to 19 years line divided by 5



Communities Limiting Residential Building Permits in Essex County



Communities That Ration or Limit Building Permits on an Annual Basis by Local Zoning Regulations



Section 165-14.

New dwelling unit limitation town-wide.

Section 165-17. Exemptions.

A. Any unit of affordable housing

B. Restoration of a dwelling in existence

C. Permits for nonresidential purposes

D. Independent Senior Housing



Other Restrictive Zoning Practices

Wetland Regulations written into town bylaws

- Typical language consistent in these bylaws.

“Other than stated in this section, the exceptions in The Wetlands Protection Act (meaning the state) shall not apply”

“Relation to the Wetlands Protection Act: This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, M.G.L., c. 131, Section 40, and regulations there under.”



Other Restrictive Zoning Practices

Wetland Regulations written into town bylaws

- Renders D.E.P. irrelevant, D.E.P. has no authority to override town bylaws.
- Over 130 Communities.
- Do local Conservation Commissions really have greater scientific knowledge than D.E.P?
- Forces the consumption of more land per housing unit
- Double jeopardy, now need 2 permits - one from D.E.P. and a local Wetland Permit. Often D.E.P. and local Wetlands regulations are in conflict.



Other Restrictive Zoning Practices

Title V Regulations in excess of State Regulations

- D.E.P. has some of the toughest septic regulations in the country.
- Towns increasing those regulations, sometimes as much as 50%
- Forces the destruction of more land per housing unit.

Home Rule is the opposite of “Common Wealth”

- Repeal of Home Rule would be the Mother of All Battles.
- At least, do not allow municipalities to render state agencies irrelevant.
- State Regulations are Regulations – not minimum standards.
- 40B is not the disease – it is a symptom of the disease.

Other Restrictive Zoning Practices

Abuse of Appeal Process

- \$100 and ten signatures can tie up a project for two years
- Professional appellants
- Abuse of process

Other Restrictive Zoning Practices

Zoning In of any housing restricted to senior housing.

- Even in communities with permit caps, these types of developments are excluded from the permit caps.
- Multi-family Senior housing allowed, multi-family housing for below-55 years old not allowed – Density.
- Under any other microscope – this practice is discrimination and is not equal protection.
- Anti-children zoning.

Other Restrictive Zoning Practices

Zoning Out any multi-family construction that may allow children

Big Lot Zoning or Density Reduction

- It is estimated as much as 70% of the existing housing in the state could not be built today under current zoning-by laws.
- Unnecessary land destruction and consumption



What is the Intent of Chapter 40B?

- In 1969, the intent of Chapter 40B was to address the shortage of affordable housing statewide by reducing unnecessary barriers erected by local zoning and other restrictions
- In 2001, the intent of Chapter 40B is to address the shortage of affordable housing statewide by reducing unnecessary barriers created by local zoning and other restrictions
- **Is it possible unnecessary barriers created by local zoning and other restrictions are the real reason we are here today?**



Existing building from Lake Street